

**ANNUAL REPORT  
OF THE INDIANA  
COMMISSION ON MENTAL  
RETARDATION AND  
DEVELOPMENTAL DISABILITIES**



**Indiana Legislative Services Agency  
200 W. Washington Street, Suite 301  
Indianapolis, Indiana 46204**

**October, 2004**

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# **INDIANA COMMISSION ON MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES**

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Susan Kennell  
Attorney for the Commission

Sarah Brooks  
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## **I. STATUTORY DIRECTIVE**

The Indiana Commission on Mental Retardation and Developmental Disabilities (Commission) was established by P.L. 78-1994 to do the following: (1) develop a long-range plan for community-based services for the developmentally disabled; and (2) review, make recommendations, and monitor changes regarding services to the mentally retarded and developmentally disabled population.

P.L. 245-1997 amended the original legislation, extending the life of the Commission to January 1, 2001. P.L. 272-1999 further extended the life of the Commission to January 1, 2005, and added the following responsibilities: (1) review and make recommendations regarding the implementation of the comprehensive plan prepared by the Developmental Disabilities Task Force (the "317 Plan"); and (2) review and make recommendations regarding the development by the Division of Disability and Rehabilitative Services of a statewide plan to address quality assurance in community-based services. P.L. 242-2001 added an annual review of the Infants and Toddlers with Disabilities Program ("First Steps") to the Commission's duties.

In 2002, the Commission was converted to a permanent statutory commission in P.L. 190-2002. In addition, the Commission was required to: (1) study and make recommendations for the state to use state employees or contract with a private entity to manage and implement home and community-based services waivers; (2) study and make recommendations regarding state funding needed to provide supplemental room and board costs for individuals who otherwise qualify for residential services under the home and community-based services waivers; and (3) monitor and recommend changes for improvements in the implementation of home and community-based services waivers.

## **II. INTRODUCTION**

The Commission met three times during the 2004 interim session on August 4, August 25, and October 6.

At the Commission's October 6, 2004 meeting, the Commission approved the following drafts of proposed legislation:

**PDOC 20051381.002:** The proposed bill would appropriate \$5 million from the State General Fund for FY 2005-06 and \$8.5 million for FY 2006-07 to the Office of the Secretary of Family and Social Services for persons with mental retardation and developmental disabilities (MR/DD) for: (1) implementing system redesign; (2) training for employees; and (3) wage parity for individuals working in community settings.

**PDOC 20051378.002:** The proposed bill would appropriate \$9 million for FY 2005-06 and \$25.5 million from the State General Fund for FY 2006-07 to the Office of the Secretary of Family and Social Services to expand services to

individuals on the: (1) intermediate care facility for the mentally retarded (ICR/MR) waiver waiting list for diversion and deinstitutionalization; (2) autism waiver list; (3) support services waiver; and (4) nonwaiver adult day services program.

**PDOC 20051380.002:** The proposed bill would appropriate \$29 million dollars for FY 2005-06 and \$42 million from the State General Fund for FY 2006-07 to the Office of the Secretary of Family and Social Services to provide additional emergency support for individuals with mental retardation and developmental disabilities who: (1) require permanent placements; (2) have lost institutional care placements; and (3) are no longer eligible for receive services from programs administered by the Department of Education or because the individuals had been declared children in need of services (CHINS) under IC 31-34 and are now too old to qualify as CHINS.

**PDOC 20051284.002:** The proposed bill would require the Office of Medicaid Policy and Planning to adopt rules specifying the criteria used to determine the hours of care required by an individual placed under the ICR/MR waiver and establishing the process and criteria used to determine that an individual placed under the waiver has the substantial limitations necessitating the placement.

**Resolution Draft 20051470.001:** The proposed concurrent resolution would urge the Governor and Budget Agency to continue working with other states and the U.S. Congress to enact legislation which would allow the states to impose sales and use taxes on sales made on the Internet with the intent that programs for the MR/DD population would benefit from a portion of the new taxes.

**Resolution Draft 20051377.001:** The proposed concurrent resolution would urge FSSA to implement a pilot program for the NightTime Companion program. The NightTime Companion program, which has been tried in Lafayette and in parts of Wisconsin, provides electronic monitoring for individuals with mental retardation and developmental disabilities in home settings to replace the need to have staff present twenty-four hours a day. The pilots are designated for Lake, Marion, Monroe, and Tippecanoe Counties.

Additionally, the members of the Commission endorse the use of savings from the closing of the Muscatatuck, Fort Wayne, and New Castle state developmental centers to provide additional funding for services for the MR/DD population.